

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 427 - SB 1531

March 29, 2021

**SUMMARY OF ORIGINAL BILL:** Specifies that a victim of sexual battery is incapable of consenting to sexual contact with a physician, psychologist, therapist, social worker, nurse, chemical dependency counselor, member of the clergy, or other professional during the course of receiving treatment for a mental, emotional, or physical condition or an interpersonal relationship.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$35,300 Incarceration\*

**SUMMARY OF AMENDMENT (006145):** Deletes and replaces all language after the enacting clause such that the only substantive change is to revise the parties with which a victim of sexual battery is incapable of consenting to sexual contact with to: a member of the clergy, a healthcare professional, or an alcohol and drug abuse counselor who was treating the victim for a mental, emotional, or physical condition.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-505(c), sexual battery is a Class E felony offense.
- The proposed legislation will result in two admissions each year.
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- The average time served for a Class E felony is 0.60 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, two offenders will be admitted every year serving 219.15 days ( $0.60 \times 365.25$ ). The annualized increase in state incarceration expenditures is estimated to be \$35,266 ( $\$80.46 \times 219.15 \times 2$ ).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

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